

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	: CRIMINAL NO. _____
v.	: DATE FILED: _____
ROHAN BLAIR MICHAEL TUCKER	: VIOLATIONS: 18 U.S.C. § 371 (Conspiracy -1 count) : 18 U.S.C. § 924(a)(1)(A) (False statements- 2 counts) : 18 U.S.C. § 2 (Aiding and abetting) : 28 U.S.C. § 2461(c) and 18 U.S.C. § 924(d) (Notice of forfeiture)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INDICTMENT:

1. Mike & Kate’s Sports Shop, 7492 Oxford Avenue, Philadelphia, Pennsylvania, was a federal firearms licensee (“FFL”) and as such was authorized to deal in firearms under federal law.

2. FFLs were licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44, govern the manner in which an FFL may sell firearms and ammunition.

3. The rules and regulations governing FFLs required that a person seeking to purchase a firearm fill out a “Firearms Transaction Record,” ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully that he or she was the actual buyer of the firearm. The Form 4473 contained language stating: “Warning: You are not the actual

buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.”

4. FFLs were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL.

5. Defendant ROHAN BLAIR was barred from legally purchasing and possessing a firearm because he had previously been convicted of a felony crime for which he could be punished by more than one year of imprisonment.

6. From in or about March 2003, until in or about May 2003, in the Eastern District of Pennsylvania, defendants

ROHAN BLAIR
and
MICHAEL TUCKER

conspired and agreed with each other to commit an offense against the United States, that is, to knowingly make false statements with respect to the information required to be kept in the records of a federally licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

7. Defendant MICHAEL TUCKER straw purchased firearms for defendant ROHAN BLAIR from Mike & Kate’s Sport Shop.

8. Defendant MICHAEL TUCKER falsely represented to the firearms dealer, both verbally and on Form 4473s, that he, rather than defendant ROHAN BLAIR, was the actual buyer of the firearms.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about March 27, 2003, defendants ROHAN BLAIR and MICHAEL TUCKER went to Mike & Kate's Sport Shop in Philadelphia, Pennsylvania.

2. On or about March 27, 2003, defendant MICHAEL TUCKER entered Mike & Kate's Sport Shop in Philadelphia, Pennsylvania, and purchased two firearms, specifically two Romanian SAR-1 rifles, with serial numbers S1705272002 and S174222002, fraudulently representing on the Form 4473 that he was the actual buyer of the firearms.

3. On or about May 1, 2003, defendants ROHAN BLAIR and MICHAEL TUCKER went to Mike & Kate's Sport Shop in Philadelphia, Pennsylvania.

4. On or about May 1, 2003, defendant MICHAEL TUCKER entered Mike & Kate's Sport Shop in Philadelphia, Pennsylvania, and purchased three firearms, specifically a Romanian SAR-1 rifle with serial number S1750802003, a Cobra PM12 .380 caliber pistol with serial number 12-0015428 and a Glock .45 caliber pistol with serial number CTX017US, along with ammunition, fraudulently representing on the Form 4473 that he was the actual buyer of the firearms.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 and 7 through 8 of Count One are realleged.
2. On or about the dates specified below, in the Eastern District of Pennsylvania, and elsewhere, defendants

ROHAN BLAIR
and
MICHAEL TUCKER,

in connection with the acquisition of the firearms listed below, knowingly made, and aided and abetted the making of, a false statement and representation with respect to the information required by the provisions of Title 18, United States Code, Chapter 44, to be kept in the records of a federally licensed firearms dealer, in that defendant MICHAEL TUCKER falsely represented in the Form 4473 that he was the actual buyer of the firearms described below, when in fact the defendants knew that representation to be false.

<i>DATE</i>	<i>FFL</i>	<i>FIREARM</i>
March 27, 2003	Mike & Kate's Sport Shop 7492 Oxford Avenue Philadelphia, PA	Romanian, model SAR-1, 7.62x39 rifle, bearing serial number S1705272002
March 27, 2003	Mike & Kate's Sport Shop 7492 Oxford Avenue Philadelphia, PA	Romanian, model SAR-1, 7.62x39 rifle, bearing serial number S114222002

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 and 7 through 8 of Count One are realleged.
2. On or about the date specified below, in the Eastern District of Pennsylvania, and elsewhere, defendants

ROHAN BLAIR
and
MICHAEL TUCKER,

in connection with the acquisition of the firearms listed below, knowingly made, and aided and abetted the making of, a false statement and representation with respect to the information required by the provisions of Title 18, United States Code, Chapter 44, to be kept in the records of a federally licensed firearms dealer, in that defendant MICHAEL TUCKER falsely represented on the Form 4473 that he was the actual buyer of the firearms described below, when in fact the defendants knew that representation to be false.

<i>DATE</i>	<i>FFL</i>	<i>FIREARM</i>
May 1, 2003	Mike & Kate's Sport Shop 7492 Oxford Avenue Philadelphia, PA	Glock, model 30, .45 caliber pistol, bearing serial number CTX017US
May 1, 2003	Mike & Kate's Sport Shop 7492 Oxford Avenue Philadelphia, PA	Cobra, model PM12, .380 caliber pistol, bearing serial number 12-0015428
May 1, 2003	Mike & Kate's Sport Shop 7492 Oxford Avenue Philadelphia, PA	Romanian, model SAR-1, 7.62x39 rifle, bearing serial number S1750802003

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 371 and 924(a)(1), as set forth in this Indictment, defendants

ROHAN BLAIR
and
MICHAEL TUCKER

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

<u>Firearm</u>
Romanian, model SAR-1, 7.62x39 rifle, bearing serial number S1705272002
Romanian, model SAR-1, 7.62x39 rifle, bearing serial number S114222002
Glock, model 30, .45 caliber pistol, bearing serial number CTX017US
Cobra, model PM12, .380 caliber pistol, bearing serial number 12-0015428
Romanian, model SAR-1, 7.62x39 rifle, bearing serial number S1750802003

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney